

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FRANCISCO VIDAL, SANDRA SCHARAS,
BRITTANY PAUGH,

Plaintiff,

v.

DOUGLAS HERNDON, MARY KAY
HULTHUS, CYNTHIA SOUCHAK,
BENJAMIN NADIG, STEVE SISOLAK,
SHERIFF JOE LOMBARDO,

Defendants.

Case No.: 2:20-cv-00442-RFB-EJY

ORDER

On March 2, 2020, Plaintiff Francisco Vidal, a former inmate of and now released from the Nevada Department of Corrections (“NDOC”), submitted a Class Action Civil Rights Complaint listing two plaintiffs other than himself. ECF No. 1-1. Since the filing, Plaintiff has neither paid the \$402 filing fee nor filed an application to proceed *in forma pauperis*, which he must do pursuant to 28 U.S.C. § 1915(a)(1) and the U.S. District Court for the District of Nevada Local Rule LSR 1-1 if he wishes to proceed without paying the mandatory filing fee.

Local Rule LSR 1-1 states: “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*. The application must be made on the form provided by the court and must include a financial affidavit disclosing the applicant’s income, assets, expenses, and liabilities.”

Further, Plaintiff is advised that a person acting *pro se* may not represent other individuals in a lawsuit. Under 28 U.S.C. § 1654, *pro se* litigants have the right to plead and conduct their own cases; however, *pro se* litigants cannot represent anyone other than themselves. *See Cato v United States*, 70 F.3d 1103, 1105 n.1 (9th Cir. 1995); *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th Cir. 1987). For this reason, if each plaintiff named in the Complaint (ECF No. 1-1)

1 wishes to pursue an action in this Court, each plaintiff must file his/her own complaint in a new and
2 separate case and either submit a fully complete application to proceed *in forma pauperis* or pay the
3 full \$402 filing fee.

4 Because Plaintiff has not paid the filing fee or submitted an *in forma pauperis* application,
5 the Court shall retain, but not file Plaintiff's Complaint (ECF No. 1-1) until Plaintiff timely pays the
6 \$402 filing fee or files a complete application to proceed *in forma pauperis* for a non-prisoner.

7 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall send Plaintiff the
8 approved form application to proceed *in forma pauperis* by a non-prisoner, as well as the document
9 entitled information and instructions for filing an *in forma pauperis* application.

10 IT IS FURTHER ORDERED that on or before **May 10, 2021**, Plaintiff shall either: (1) file
11 a fully complete application to proceed *in forma pauperis* by a non-prisoner, in compliance with 28
12 U.S.C. § 1915(a) and LSR 1-1; or (2) pay the full \$402 filing fee for a civil action (which includes
13 the \$350 filing fee and the \$52 administrative fee).

14 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this Order, the
15 Court will recommend dismissal of this action without prejudice.

16 IT IS FURTHER ORDERED that the Clerk of Court shall retain the Complaint (ECF No. 1-
17 1), but will not file it at this time.

18 Dated this 9th day of April, 2021.

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22 ELAYNA J. YOUCHAK
23 UNITED STATES MAGISTRATE JUDGE
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